

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANTIAGO GARCIA,

Plaintiff,

-against-

SOS SECURITY, INC.,

Defendant.
----- X

ORDER DENYING
MOTION TO DISMISS


07 Civ. 8277 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff Santiago Garcia ("Garcia") is a security guard employed by defendant SOS Security, Inc. ("SOS"). Plaintiff, proceeding pro se, filed a Complaint alleging employment discrimination by SOS. Defendant provides security services for client corporations. On April 18, 2008, defendant filed a motion to dismiss. Under the liberal pleading standards required of a pro se plaintiff, I find that plaintiff has sufficiently set forth a prima face case of discrimination. See Triestman v. Federal Bureau of Prisons, 470 F.3d 471, 474 (2d Cir. 2006) ("[T]he submissions of a *pro se* litigant must be ... interpreted to raise the strongest arguments that they suggest."). The motion is therefore denied at this time. A renewed motion or a motion for summary judgment may be filed by defendants after appropriate discovery has been completed. Plaintiff's motion to amend his complaint is denied as moot. Defendants are directed to confer with plaintiff to set up a stipulated discovery and motion schedule. The stipulation should then be submitted to the Court for approval. If parties are unable to reach an agreement as to the schedule, they are to submit a letter to the Court, pursuant to my Individual Rule 2E. The Clerk shall note that the motion to amend the complaint (Doc. # 13) and the motion to dismiss are terminated.

SO ORDERED.

New York, New York
August 28, 2008


ALVIN K. HELLERSTEIN
United States District Judge